

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JLT SPECIALTY LIMITED, MARSH
LIMITED, AND MARSH SERVICES LIMITED,

Applicants,

IN RE EX PARTE APPLICATION OF JLT
SPECIALTY LIMITED, MARSH LIMITED,
AND MARSH SERVICES LIMITED FOR AN
ORDER PURSUANT TO 28 U.S.C. § 1782 TO
CONDUCT DISCOVERY FOR USE IN
FOREIGN PROCEEDINGS

Misc. Case No. 1:20-mc-254

**EX PARTE APPLICATION OF JLT SPECIALTY LIMITED, MARSH LIMITED, AND
MARSH SERVICES LIMITED FOR AN ORDER PURSUANT TO 28 U.S.C. § 1782 TO
CONDUCT DISCOVERY FOR USE IN FOREIGN PROCEEDINGS**

JLT Specialty Limited, Marsh Limited, and Marsh Services Limited (“Applicants”) hereby submit this *ex parte* Application for an order, pursuant to 28 U.S.C. § 1782 and Rules 26, 30, and 45 of the Federal Rules of Civil Procedure, granting Applicants leave to take discovery from BGC Partners, Inc. for use in foreign proceedings currently pending before the English High Court of Justice, Queen’s Bench Division.

“Section 1782(a) provides that a federal district court ‘may order’ a person ‘resid[ing]’ or ‘found’ in the district to give testimony or produce documents ‘for use in a proceeding in a foreign or international tribunal.’” *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 246 (2004) (quoting 28 U.S.C. § 1782(a)). As explained in the accompanying Memorandum of Law, the supporting Declarations of Peter R. Chaffetz and Christopher Anthony Bushell, and the exhibits thereto, the statutory requirements for such an order are satisfied because (1) the respondent from

whom discovery is sought “resides” in the District, which is its principal place of business; (2) the discovery sought is “for use” in foreign proceedings, specifically, a litigation pending in the High Court of Justice, Queen’s Bench Division in London, England; and (3) Applicants, as claimants in these proceedings, are “interested person[s].” *See* 28 U.S.C. § 1782. As further explained in the accompanying Memorandum of Law, each of the discretionary *Intel* factors also strongly weigh in favor of granting this Application.

WHEREFORE, Applicants respectfully request that the Court grant this Application and authorize Applicants to serve a subpoena in the form attached as Exhibit A to the Declaration of Peter R. Chaffetz on BGC Partners, Inc.

Dated: New York, New York
July 17, 2020

Respectfully Submitted,

s/ Peter R. Chaffetz

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